

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE KRAFT HEINZ
SECURITIES LITIGATION

Case No. 1:19-cv-01339

Honorable Robert M. Dow Jr.

FOURTH JOINT STATUS REPORT

Lead Plaintiffs Sjunde AP-Fonden and Union Asset Management Holding AG, additional named Plaintiff Booker Enterprises Pty Ltd. (collectively, “Plaintiffs”), and The Kraft Heinz Company (“Kraft Heinz Defendants” or the “Company”), Bernardo Hees, Paulo Basilio, David Knopf, Alexandre Behring, George Zoghbi, and Rafael Oliveira (together, the “Kraft Heinz Defendants”), and 3G Capital Partners and its affiliates¹ (“Defendant 3G”), (collectively, “Defendants,” and Plaintiffs and Defendants taken together, the “Parties”), by and through their respective counsel, have met and conferred and submit the following supplemental joint status report pursuant to the Court’s Order (ECF No. 365):

I. STATUS OF DISCOVERY:

The deadline for Defendants to complete taking class certification discovery of Plaintiffs was Thursday, May 5, 2022. The deadline for Plaintiffs to complete taking class certification discovery of Defendants was July 8, 2022. The deadline for substantial completion of all document discovery is August 12, 2022. The fact discovery deadline is February 17, 2023. The expert discovery deadline is June 20, 2023.

A. Plaintiffs’ Discovery Efforts

Since the Parties submitted the Third Status Report (ECF No. 366), the Kraft Heinz Defendants have informed Plaintiffs that they have substantially completed their production of documents collected during an internal investigation conducted by KHC’s independent directors. Plaintiffs are evaluating Defendants’ decision to withhold documents with respect to that production.

¹ Inclusive of the following affiliated funds and business entities: 3G Capital, Inc. (a Delaware corporation); the Cayman Islands business entities 3G Global Food Holdings, L.P.; 3G Global Food Holdings GP LP; 3G Capital Partners LP; 3G Capital Partners II LP; and 3G Capital Partners Ltd.

Plaintiffs' Second Requests for the Production of Documents (the "Second Requests") were served on November 12, 2021 and principally directed to the substantial areas of document discovery not covered by the First Requests. The Kraft Heinz Defendants have stated that they intend to begin productions in response to the Second Requests on or about July 29, 2022, with substantial rolling productions on a bi-weekly basis, if not more frequently, thereafter. The Kraft Heinz Defendants have moved for a four-month extension of all of the outstanding deadlines in this Action to provide additional time for the Kraft Heinz Defendants to conduct their review and production of documents. Plaintiffs consented to the four-month extension requested by the Kraft Heinz Defendants but have not consented to the remainder of the motion and filed a pleading stating their position in this regard. (ECF No. 382.)

Plaintiffs and the Kraft Heinz Defendants have continued to meet and confer regarding certain aspects of Defendants' response to the Second Requests, including search protocols for: (1) custodial sources other than emails and chats; (2) electronically stored information ("ESI") containing Portuguese; (3) non-custodial sources; and (4) sources of ESI in the Individual Defendants' custody, possession, or control. Plaintiffs have asked the Kraft Heinz Defendants to confer regarding the entry of a search validation protocol.

After the Parties submitted the previous Third Status Report (ECF No. 366), the 3G Defendants began production of documents responsive to Plaintiffs' Second Requests, served in November 2021. The 3G Defendants have not yet provided a date by which they expect to complete production in response to the Second Requests.

The Parties have agreed to expand the deposition limit set forth in Federal Rule of Civil Procedure 30 and are conferring as to the scope of that expansion.

B. Defendants' Discovery Efforts

On July 18, 2022, the Kraft Heinz Defendants filed a motion to compel Lead Plaintiff Union for discovery regarding non-party funds associated with Union and to allow the Kraft Heinz Defendants to supplement the class certification record following the production of any such discovery. (ECF No. 367.) Plaintiffs will oppose the motion in a manner consistent with the Court's practices.

C. Class Certification

Plaintiffs' reply brief in support of their motion for class certification was filed on July 19, 2022, concluding the briefing scheduled by the Court for Plaintiffs' class certification motion.

Dated: July 29, 2022

Respectfully submitted,

/s/ Sharan Nirmul

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